

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**In re**

:

**Case No. 09-15014 (PCB)**

:

**John Thorton O'Donnell and Ellen**

:

**Jane Thorton O'Donnell,**

:

**(Chapter 7)**

:

:

**Debtors.**

:

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**STIPULATION AND ORDER**

**(i) EXTENDING TIME THROUGH FEBRUARY 28, 2010**

**TO FILE MOTION UNDER SECTION 707(b) OF THE BANKRUPTCY CODE**

**AND (ii) OBJECT TO DISCHARGE UNDER 11 U.S.C. SECTION 727**

**WHEREAS**, John Thorton O'Donnell and Ellen Jane O'Donnell, (the "Debtors") filed a voluntary petition pursuant to Chapter 7 of the Bankruptcy Code on August 14, 2009; and

**WHEREAS**, Gregory Messer , Esq. was appointed Chapter 7 trustee (the "Trustee") and has qualified and is acting in that capacity; and

**WHEREAS**, pursuant to 11 U.S.C. § 707(b), Fed. R. Bankr. P. 1017(e), 11 U.S.C. § 727(a) and Fed. R. Bankr. P. 4004(a), the time to move for dismissal and/or object to discharge expires sixty (60) days from the first date set for the meeting of creditors which meeting date, in this case, was set for September 11, 2009; and

**WHEREAS**, pursuant to Fed. R. Bankr. P. 1017(e) and Fed. R. Bankr. P. 4004(a), the last date to file a motion under 11 U.S.C. § 707(b) and/or file a complaint objecting to the discharge of the Debtors is November 10, 2009.

**IT IS THEREFORE MUTUALLY AGREED AND STIPULATED** by and between Debtors, Debtors' counsel and the United States Trustee as follows:

1. The time within which the United States Trustee may file a motion to dismiss under 11 U.S.C. § 707(b) and the time within which the United States Trustee and/or the Trustee may

file a complaint objecting to discharge under 11 U.S.C. § 727, is extended through February 28, 2010, without prejudice to any further extension of time that the United States Trustee or the Trustee may seek.

2. This Stipulation is subject to the approval of the Bankruptcy Court.

Dated: New York, New York  
October , 2009

\_\_\_\_\_  
John Thorton O'Donnell , Debtor

\_\_\_\_\_  
Ellen Jane O'Donnell, Debtor

By: /s/ Mark A. Frankel  
Mark A. Frankel, Esq.  
Debtors Counsel  
Backenroth Frankel & Krinsky, LLP  
489 Fifth Avenue  
New York, NY 10017  
Tel. No. (212) 593-1100

Dated: New York, New York  
November 12 , 2009

DIANA G. ADAMS,  
UNITED STATES TRUSTEE

\_\_\_\_\_  
Gregory Messer, Esq.  
Chapter 7 Trustee  
Law Offices of Gregory Messer  
26 Court Street, Suite 2400  
Brooklyn, New York 10004  
Tel. No. (718) 858-1474

By: /s/ Serene Nakano  
Serene Nakano  
Trial Attorney  
33 Whitehall Street, 21<sup>ST</sup> Floor  
New York, New York 10004  
Tel. No.(212)510-0500

**SO ORDERED: 11/17/09**

/s/ Prudence Carter Beatty  
**JUDGE PRUDENCE CARTER BEATTY**  
**U.S. BANKRUPTCY JUDGE**